

**LUMPKIN COUNTY
BOARD OF COMMISSIONERS
AGENDA**

Dahlonega City Hall
465 Riley Road
Dahlonega, Georgia
April 19, 2007
7:00 P.M.

- I. CALL TO ORDER** Chairman Gooch
- II. INVOCATION** Reverend Michael Rodgers
Bethlehem Baptist Church
- III. APPROVAL OF AGENDA**
- IV. PRESENTATION**
- R-Ranch – Appreciation for housing fire fighting equipment
- V. ISSUE LICENSE**
- Lumpkin County Alcoholic Beverage License
 - o Sunil Choudary Shavels for Ben Higgins Citgo
 - o Sunil Choudary Shavels for Cutie Gas
- VI. APPROVAL OF MINUTES**
- March 15, 2007 Appeal Hearing 6:30 pm
 - March 15, 2007 Regular Meeting 7:00 pm.
 - April 5, 2007 Work Session 9:00 am
- VII. REPORTS**
- Department reports are on file in the Board of Commissioners Office
 - Elected Officials
- VIII. RESOLUTIONS**
- 2007-23 Board Appointment - Lumpkin County Board of Elections and Registration
 - 2007-24 Road Acceptance - Virginia Way – Calhoun Ridge Subdivision
- IX. CONTRACTS**
- Medtronic – Technical Service Support Agreement for emergency services
 - Georgia Forestry Commission – Forest Wildfire Protection Program
 - Challenger Sports Corp.– 2007 British Soccer Camp Agreement
 - Georgia Mountains RDC – Agreement for Admin. Services/CDBG Heath Dept.
 - Lake Allatoona/Upper Etowah River Watershed Project – Memorandum of Agreement
 - E. L. Clark d/b/a Mountain Home – Change Order Lumpkin County Fire Station No. 4
 - Georgia Transmission Corp. Encroachment Agreement No. 21363 – Yahoola Creek Park
 - Clough Harbour & Associates LLP – Agreement for Professional Services
 - Candler Concrete

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X. LETTERS

- Letter of Intent U.S. Army Corps of Engineers
- Letter to Three Sister Vineyard - Georgia Wine Festival
- Letter Regarding Beer & Wine Alcoholic Beverage License
 - o Cavender's Corner – Amanda Gilmore
 - o Quick Mart 3 – Ramona Ann Pilgrim

XI. OTHER ITEMS

- Lumpkin County Hospital Authority
 - o March 15, 2007 Meeting Cases for Review/Approval
- 2008 Budget Calendar
- Subdivision Regulations – Review changes (set date for public hearing)
- Retirement Payment – Magistrate Judge & Probate Judge
- Request for Special Land Use Approval – C & D Landfill Application
- Change to Sign Ordinance – Temporary Sign Time Limit

XII. COMMENTS

- COUNTY MANAGER
 - o Lumpkin County Procedural Rules for Meetings/Appeals
- CHAIRMAN
- COMMISSIONERS
 - o Commissioner Raber
 1. Reservoir Property Committee – Appointments
 2. Impact Fees Feasibility Study – Start
 3. Proclamation to City of Dahlonega – 50 Best Cities in USA Award
 4. Opening of Personal Mail
 5. Committee or Authority Appointments – Notification 1 Week Before Vote
 6. Who is Going To Savannah?
- COUNTY ATTORNEY
- PUBLIC

XIII. ANNOUNCEMENTS

- Future Meetings:

Work Session – City Hall	May 03, 2007 at 9:00 a.m.
Board Meeting – City Hall	May 17, 2007 at 7:00 p.m.
Work Session – City Hall	Jun. 07, 2007 at 9:00 a.m.
Board Meeting – City Hall	Jun. 21, 2007 at 7:00 p.m.

XIV. ADJOURN

Chairman Gooch

**LUMPKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

April 19, 2007

CALL TO ORDER

Chairman Gooch called the meeting to order at 7:00 p.m. in the Council Chamber of Dahlonega City Hall. Stephen Gooch, John Raber, Deborah Hutcheson, Clarence Stowers and Clarence Grindle were present.

INVOCATION

Reverend Michael Rodgers, Bethlehem Baptist Church led the invocation.

Chairman Gooch led the pledge of allegiance and then acknowledged the numerous students in attendance from North Georgia College and State University.

APPROVAL OF AGENDA

Chairman Gooch requested the addition of Resolution 2007-25 regarding the Reimbursement of Bond Proceeds to the agenda.

Motion: Commissioner Stowers made a motion to approve the agenda with the inclusion of the requested resolution. The motion was seconded by Deborah Hutcheson and approved by Deborah Hutcheson, Clarence Stowers and Clarence Grindle. Commissioner Raber had left the room prior to the vote. Motion carried

PRESENTATION

R-Ranch – Appreciation for housing fire-fighting equipment

Chairman Gooch read the letter that was sent to R-Ranch expressing the County's sincere appreciation for the space provided by R-Ranch to house a fire truck and equipment over the last 10 years, at no expense to the County. Chairman Gooch and Fire Chief Eggert signed a Certificate of Appreciation that will be presented to R-Ranch in the Mountains. The equipment formerly housed at R-Ranch has now been moved to Yahoola Work Center.

Commissioner Raber returned to room.

ISSUE LICENSE

Lumpkin County Alcoholic Beverage License

Sunil Choudary Shavele for Ben Higgins Citgo

Motion: Commissioner Hutcheson moved to approve this license, which was seconded by John Raber. All district commissioners approved the motion. Motion carried.

Sunil Choudary Shavele for Cutie Gas

Motion: Commissioner Stowers moved to approve this license. The motion was seconded by Deborah Hutcheson and approved by Commissioners Raber, Hutcheson, Stowers and Grindle.

APPROVAL OF MINUTES

March 15, 2007 Appeal Hearing 6:30 pm

March 15, 2007 Regular Meeting 7:00 pm

April 5, 2007 Work Session 9:00 am

Motion: Commissioner Raber made a motion to approve the minutes presented, which was seconded by Clarence Grindle. All district commissioners approved the motion. Motion carried.

REPORTS

Department reports are on file in the Board of Commissioners Office
Elected Officials

Public Works Director Eddy Harris was previously asked to provide an update on Frogtown Road. Mr. Harris provided the Board and the County Clerk with an estimated price of \$103,792.50 for fixing the road. He is recommending that we do an overlay on a portion of the road due to the high cost of continuing to put money into patching. County Manager Kelley recommends that the county go forward with the overlay as the money can be found in the budget. The figure given by Eddy Harris is a bid price but we may be able to get it for less due to LARP prices being let tomorrow.

Motion: Commissioner Raber made a motion to move forward with this project subject to legal approval. Clarence Grindle seconded the motion. All district commissioners approved the motion. Motion carried.

RESOLUTIONS

2007-23 Board Appointment - Lumpkin County Board of Elections and Registration

The Chairman summarized this resolution, which is to appoint Ralph Drew as a Republican Party member to the Board of Elections and Registration of Lumpkin County.

Motion: Commissioner Stowers moved to accept this resolution, which was seconded by John Raber. Commissioners Raber, Hutcheson, Stowers and Grindle voted to approve. Motion carried.

2007-24 Road Acceptance - Virginia Way - Calhoun Ridge Subdivision

The Chairman summarized this resolution, which accepts seven hundred and seventy feet (770') of Virginia Way with a sixty-foot (60') right of way into the county road system.

Motion: Commissioner Hutcheson made a motion to accept this road. The motion was seconded by Clarence Grindle and approved by all district commissioners. Motion carried.

2007-25 Reimbursement of Bond Proceeds

The Chairman read this resolution, which pertains to capital costs incurred in connection with the construction of a judicial center and other projects approved in the SPLOST referendum and the expected maximum principal amount of debt for this project

Motion: Commissioner Hutcheson moved to approve this resolution, which was seconded by John Raber. John Raber, Deborah Hutcheson, Clarence Stowers and Clarence Grindle approved the motion. Motion carried.

CONTRACTS

Medtronic - Technical Service Support Agreement for emergency services

This renewal contract includes on site repair and one (1) on site inspection per year for three (3) Life Pak 12 Cardiac Monitors and one (1) battery support system.

Term: 4/15/2007 - 4/14/2008

Amount: \$3,115.00 payable in annual installments

Motion: Commissioner Hutcheson made a motion to approve signing of this contract. The motion was seconded by John Raber and approved by all district commissioners. Motion carried.

Georgia Forestry Commission – Forest Wildfire Protection Program

This annual contract assists the county in its obligation for state emergency wildfire suppression support and service in 2008.

Amount: 2004 Survey 108,466 acres @ \$0.04/acre=\$4,339.00 annually

***Motion:** Commissioner Raber moved to approve this contract, which was seconded by Clarence Stowers. Commissioners Raber, Hutcheson, Stowers and Grindle approved the motion. Motion carried.*

Challenger Sports Corp. – 2007 British Soccer Camp Agreement

This is an agreement between British Soccer, a division of Challenger Sports Corporation, and Lumpkin County. The "British Soccer" agrees that it will conduct and maintain an instructional soccer camp. The County Attorney has reviewed the contract and the Park & Recreation Director has researched the items brought up in the Work Session.

Term: 1 year

Amount: No charge to County

***Motion:** Commissioner Stowers made a motion to approve this contract. The motion was seconded by Clarence Grindle and approved by all district commissioners. Motion carried.*

Georgia Mountains RDC – Agreement for Admin. Services/CDBG Health Dept.

Contingent upon the award of a Community Development Block Grant (CDBG) for the Health Department Project this agreement approves GMRDC to administer the grant.

Term: 3/23/2007 – 3/23/2010

Amount: 6% of actual costs expended by the Center in providing administrative services.

***Motion:** Commissioner Stowers moved to approve the agreement. The motion was seconded by John Raber and approved by Commissioners Raber, Hutcheson, Stowers and Grindle. Motion carried.*

Lake Allatoona/Upper Etowah River Watershed Project – Memorandum of Agreement

This agreement is between the agencies sponsoring the Lake Allatoona/Upper Etowah River Watershed Project. The Sponsors have cooperated in the design of the project, that will, when implemented, provide statistically valid and scientifically defensible data about the health of a portion of the Etowah River Watershed that extends from Lake Allatoona Dam to the river headwaters in Lumpkin County. This is a continuation of a previous agreement.

Term: Ending 12/31/2012

Amount: Estimated share \$252,000.00

***Motion:** Commissioner Hutcheson made a motion to approve this agreement, which was seconded by John Raber. All district commissioners approved the motion. Motion carried.*

E. L. Clark d/b/a Mountain Home – Change Order Lumpkin County Fire Station No. 4

This change order is to furnish and install electric operators with sensing devices and all other needed items to convert manual doors to electric doors for all six bays.

Amount: \$13,129.00

***Motion:** Commissioner Raber moved to approve the change order. This motion was seconded by Deborah Hutcheson and approved by all district commissioners. Motion carried.*

Georgia Transmission Corp. Encroachment Agreement No. 21363 – Yahoola Creek Park

This is an encroachment agreement for an easement for a Dahlonega-South Cleveland 115 KV Electrical Transmission Tap Line Right-of-Way.

***Motion:** Commissioner Stowers made a motion to approve. This motion was seconded by Clarence Grindle and accepted by Commissioners Raber, Hutcheson, Stowers and Grindle. Motion carried.*

Clough Harbour & Associates LLP – Agreement for Professional Services

This agreement is for professional services to design a new Courthouse to include programming through Construction Phase, Project Management, Engineering Design, Bidding, Construction Administration and Architectural Design Services as described in the scope of services. CHA will retain the services of Gardner, Spencer, Smith, Tench & Hensley, P.C., (GSSTH) to provide the architectural design for this facility.

Term: 6/19/2007 – 12/31/08

Amount: \$960,000.00

***Motion:** Commissioner Raber made a motion to approve the agreement. This was seconded by Clarence Stowers and approved by all district commissioners. Motion carried.*

Candler Concrete

This agenda item was handled at the 5:00 p.m. Special Called Meeting held earlier today.

LETTERS

U.S. Army Corps of Engineers – Canoe Launch Master Plan

This is a letter of intent concerning the property known as Auraria, located on Highway 60, from the Army Corps of Engineers. The Corps is being very flexible with the County concerning the time it takes for the project. Chamber of Commerce President Dale Steenbergen said he thinks we can obtain a grant to pay for all parking lot construction with only a 15% match from the County. He will provide the grant application and information to the county.

***Motion:** Commissioner Stowers moved to approve this letter, which was seconded by John Raber. Commissioners Raber, Hutcheson, Stowers, and Grindle voted approval. Motion carried.*

Letter to Three Sisters Vineyard - Georgia Wine Country Festival

The Three Sisters Vineyard has requested written permission from the Board permitting other wineries to come and participate with wine pouring and sales at the Georgia Wine Country Festival to be held at Three Sisters Vineyard on June 2 & 3, 2007. Mr. Doug Paul, of Three Sisters Vineyards will be responsible for collection of all applicable wine taxes. This letter is a requirement to obtain a Special Events or One Day alcoholic beverage permit from the State of Georgia.

***Motion:** Commissioner Hutcheson made a motion to approve the letter. The motion was seconded by Clarence Grindle and approved by all district commissioners. Motion carried.*

Letter Regarding Beer & Wine Alcoholic Beverage License

The County Attorney recommends that letters be sent to these licensees, as the licensees do not currently have an affiliation at the licensed premises. The Chairman recommends that we refer this type of matter to the code enforcement officer in future and not bring this before the board.

Cavender's Corner – Amanda Gilmore

***Motion:** Commissioner Hutcheson moved to approve the letter, which was seconded by Clarence Grindle. All district commissioners approved. Motion carried.*

Quick Mart 3 – Ramona Ann Pilgrim

***Motion:** Commissioner Hutcheson moved to approve this letter. Clarence Grindle seconded the motion. Commissioners Raber, Hutcheson, Stowers and Grindle approved. Motion carried.*

OTHER ITEMS

Lumpkin County Hospital Authority - March 15, 2007 Meeting Cases for Review/Approval

The Chairman explained that the board does not discuss the names of those on this list in public meetings.

***Motion:** Commissioner Hutcheson moved to postpone a decision on this matter until questions are answered. Clarence Stowers seconded this motion and all district commissioners agreed. Motion carried and the matter was tabled.*

2008 Budget Calendar

***Motion:** Commissioner Raber made a motion to adopt the calendar, which was seconded by Deborah Hutcheson. All district commissioners approved the motion. Motion carried.*

Subdivision Regulations – Review changes (set date for public hearing)

Planning Director Larry Reiter said changes within this document are those recommended by the Planning Commission. A public hearing must be held which Reiter said is likely to be lengthy. This will be held May 3, 2007 at 6:00 p.m. at Dahlonega City Hall, if the room is available.

Retirement Payment – Magistrate Judge & Probate Judge

This is being postponed until the May 3rd Work Session as both judges can attend at that time.

Request for Special Land Use Approval – C & D Landfill Application

Public Works Director Eddy Harris gave a report on landfills that is detailed in the material he provided. Harris stated that Sec. 304(d) Special Land Use Approval (SLUA) of the Land Use Code applies in this case. He recommends that the owner of the 400 Landfill apply to the County as indicated in County code. The County Attorney agrees with Harris' assessment.

***Motion:** Commissioner Stowers made a motion to accept this recommendation that a new application must be filed. Clarence Grindle seconded the motion. Commissioners Raber, Hutcheson, Stowers and Grindle voted approval. Motion carried.*

Change to Sign Ordinance – Temporary Sign Time Limit

Planning Director Larry Reiter recommends that the Board make a change to the Sign Ordinance to limit the duration of signs to 60 days maximum unless it is the type of sign that duration is already addressed within the ordinance. Commissioner Hutcheson said she wants to include "no offsite signs" in this ordinance change. Reiter pointed out that currently offsite weekend signs are allowed so long as the landowner gives permission and they are not placed in the right-of-way.

***Motion:** Commissioner Raber moved that we prohibit litter, junk cars, barking dogs, discharging firearms too close to residences, and noise pollution. The motion failed for lack of a second.*

***Motion:** Commissioner Hutcheson made a motion to include in the public hearing that the ordinance be further amended such that weekend signs are not allowed. Clarence Stowers seconded this motion and said he did so because weekend signs are being placed in the right-of-way. Commissioners Hutcheson and Stowers voted for the motion, John Raber voted against and Clarence Grindle abstained. Motion carried.*

***Motion:** Commissioner Hutcheson moved to make the proposed changes to the ordinance. Clarence Stowers seconded the motion. Commissioners Hutcheson, Stowers and Grindle voted in favor. Commissioner Raber voted against. Motion carried.*

The Public Hearing for the proposed sign ordinance changes was set for May 3, 2007 after the subdivision regulations hearing.

COMMENTS
COUNTY MANAGER

Lumpkin County Procedural Rules for Meetings/Appeals

County Manager Stan Kelley said he feels that further work needs to be done on the Procedural Rules before proceeding.

Mr. Kelley said that things are going well at Fire station #4 and that the first advertising for bids on the new ball fields at Yahoola Reservoir Park will occur next week.

CHAIRMAN

The Chairman announced that a Department of Natural Resources Board meeting would be held April 25th in Gainesville. EPD is considering stream buffer amendments that will require a public hearing such as the one previously held in Dahlonega. The Chairman said EPD is standing firm that the County must adopt some kind of watershed policy for the county.

Jim Smulian's proposal concerning an alternative to the present new judicial center plan was given to Rich Amadon from Clough Harbour & Associates LLP (CHA). King Evans, CHA said it would cost \$8,000.00 - \$10,000.00 to give the County a professional report in answer to Smulian's proposal as to whether the design would fit on the site and costs of the Smulian proposal. Dale Steenbergen expressed concern that the Board had committed to build a new Courthouse, which is what the many volunteers promoted when they worked to pass the SPLOST referendum.

Concerning the "second look" requested by opponents of the proposed judicial center site Commissioner Hutcheson said that any alternate proposal should include a letter of intent. Commissioner Raber stressed that such items as availability of water, sewer and fiber optics must be included in the letter of intent. He wants somebody to be appointed as a Chairperson of the opposition committee so that the board knows who speaks for them.

Motion: Commissioner Hutcheson made a motion that the Committee bring a sensible and suitable site for the board to consider by May 3, 2007 with the understanding that the board is not obligated to accept that site. Clarence Stowers seconded the motion. All district commissioners approved the motion. Motion carried.

Jim Smulian said he would not insist that the County look at his report if someone else brings a viable alternate site before the board. Therefore CHA will not be going forward with the proposed \$10,000.00 work on Smulian's proposal. In the interim, the County Manager will proceed with the advertising for bids on the three new ball fields at Yahoola Reservoir Park.

COMMISSIONERS

Commissioner Raber said that items he had asked be placed on this agenda were handled in the Special Called Meeting earlier this day.

There were no other commissioner comments.

COUNTY ATTORNEY

The County Attorney had no comments.

PUBLIC

In response to a question from *Nugget* reporter Sharon Hall the County Attorney said there is no word on when the Hartrampf suit will come to court.

Further petitions were submitted on behalf of keeping the ball fields and pool in their present location and several citizens spoke about their concerns.

Regular Meeting
April 19, 2007
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As to the question of borrowing \$10,000,000.00 for courthouse construction, Chairman Gooch pointed out the citizens of the county had voted on this in the SPLOST referendum.

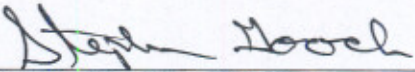
Chairman Gooch explained that this bond would be taken by the Public Building Authority and paid for over time rather than through the 2008 SPLOST funds. He said the County would actually be making money on the \$10,000,000.00 until it is spent on SPLOST projects. This money will be used towards the interest. Future payments will come from other sources, which he cannot currently identify.

ADJOURN

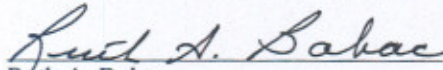
There being no further business at 8:50 p.m. Chairman Gooch asked for a motion to adjourn.

Motion: Commissioner Raber made a motion to adjourn which Deborah Hutcheson seconded. All district commissioners voted approval. Motion carried.

5-17-2007
Date


Stephen W. Gooch, Chairman
Lumpkin County Board of Commissioners

Attest:


Ruth A. Bohac
Clerk, Lumpkin County